Conference of Representatives of the National and International Trade Unions, of America, Washington, D.C. 192

THE CHALLENGE ACCEPTED

LABOR WILL NOT BE OUTLAWED OR ENSLAVED

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Declaration of the Conference of Representatives of National and International Trade Unions, Washington, D. C., February 23-24, 1921.

We ask the American people to give solemn consideration to this declaration. It is the pronouncement of a movement that is consecrated to the cause of freedom as Americans understand freedom. It is the message of men and women who will not desert the cause of freedom, no matter what the tide of the struggle.

The American labor movement in this crucial hour here lays before the people the full story and asks them to rally with labor to the defense of our imperiled institutions.

Labor speaks from no narrow or selfish point of view. It speaks from the standpoint of American citizenship. And the indictment it lays is an indictment of the enemies of freedom and progress.

American labor battling for the preservation of American democracy and American institutions today stands between two converging destructive forces.

Standing between two opposing forces, uncompromising toward both, the American trade union movement today finds itself and every American institution of freedom assailed and attacked by the conscienceless autocrats of industry and the followers of radical European fanaticism. If either of these wins, the doors of democratic freedom and opportunity can never be reopened in our time.

Though inspired by vastly different motives, these two unrelenting forces work toward the destruction of the same ideals,

each using the other as a tool in the struggle to overwhelm democracy and put an end to American progress, politically and industrially.

On the one hand Labor is compelled to meet in a wide variety of manifestations the determination of reactionary industrial autocrats, autocrats who would destroy the organizations of labor and remove from the field of industry the only agencies through which the workers may protect themselves from aggression and the only agency through which they may offer to industry their cooperation in the improvement of industrial processes and the expansion of productive energy with that improvement of the product and lowering of prices justly demanded by the public.

REACTION CASTS OFF ALL PRETENSE

Reactionary employers have joined their might in campaign which they are pleased to call a campaign for the "open shop," which they have been waging vigorously since the signing of the armistice. Compelled by the pressure of public opinion to accept Labor's cooperation during the war, when the utmost conservation of productive energy was necessary to the life of the nation, they cast off all pretense immediately upon the passing of the emergency.

This entire campaign on the part of the combined reactionary employers is in no sense a campaign for the "open shop," no matter what definition may be given to that term. The campaign is (distinctly and solely) one for a shop that shall be closed against union workmen. It is primarily a campaign disguised under the name of an "open shop" campaign, designed to destroy trade unions and to break down and eliminate the whole principle of collective bargaining which has for years been accepted by the highest industrial authorities and by the American people as a principle based upon justice and established permanently in our industrial life.

Not only during the war, but during every year since the labor movement has had a place in our industrial life, it has justified its existence and proved the necessity therefor, by making possible the necessary cooperation between employers and workers, on the one hand, and on the other hand by rescuing the

workers from autocratic domination and developing for them a standard of living and of working conditions fitting to American citizenship. The American trade union movement is here because it is a necessity.

UNSCRUPULOUS FINANCIAL SPECULATION

The unscrupulous pirateers of finance, having squeezed the consumer throughout the period of the war, are now broadening their field and enriching themselves by squeezing both the producer and the consumer. Fortunes are being made today by commodity and financial speculation.

FLAGRANT PROFITEERING CONTINUES

It is astounding, but true, that even after so great a lapse of time since the ending of hostilities there is, so far as the average family is concerned, practically no reduction in the high cost of living. It is admitted freely that in some commodities there has been a reduction of price in the wholesale markets, but there has been no appreciable reduction in the retail prices at which the working people must make their purchases.

Labor has time after time indicted the employers and the commercial interests of the country for wanton profiteering. We declare again that the government has been and continues impotent in the face of the criminal operations of profiteers and must therefore accept the responsibility for a great portion of the indignation and resentment of the people against those who have filched their pockets for no reason except that they have had the power to do so.

Going hand in hand with profiteering there has been, and is, a shameful and undoubtedly unjustified overcapitalization of industrial and commercial projects, compelling the consuming public to pay interest in the form of inflated prices on vast sums of money, back of which there is no foundation of intrinsic value or productive capacity.

CURTAILING CONSUMING POWER

Due to the maladministration of industry, and principally and primarily because of the studied and calculated arbitrary policies of reactionary employers, there has come upon us a state of

unemployment which is depriving fully three and one-half million working people of the opportunity to earn a living. That there should be this tragic situation at a time when hardly any portion of the world has a sufficient supply of the necessaries of life is a commentary upon the methods of those responsible for the conduct of industry which they can not justify. It is a rebuke to their methods which only prompt and fundamental remedial action can remove. The condition of unemployment has been accentua ed by keeping open the flood gates of immigration, which has added to the confusion and given employers an additional weapon in their efforts to reduce the American standard of living.

One result is the effort to lower wages. The stupidity of such policies as these, whether or not apparent to employers inspired only by a desire for monetary gain, is a matter which should give the most serious concern to the American people as a whole. Every reduction of wages is a reduction in the consuming power of the wage-earners and a direct blow at the prosperity and well-being of the country.

Labor not only insists upon maintaining the present standards of wages and working conditions but declares its solemn purpose to continue its struggle to further improve those standards. Where the unorganized workers are concerned, while they benefit by the protests and progress of the organized workers, they find themselves unable to meet properly the present crucial situation. Their recourse is to join the organizations of their trades or callings, and we demand for them the right freely to follow such a course and to exercise all of the powers and privileges which that implies. Collective bargaining is one of the great stabilizing influences in industry in the relations between employers and workers. It is censurable that employers have in too many instances dissipated these friendly and mutually advantageous arrangements. We strongly urge upon both employers and unions to keep inviolate the instrumentality of collective bargaining.

TRAGIC PENALTIES OF MALADMINISTRATION

Another manifestation of the unscientific and inhumane policies of industrial autocracy is found in what is commonly known

as "labor turnover," which means the repeated hiring and discharging of individual workers without any opportunity for an expression on the part of those workers in determining the terms or the conditions under which they shall give service.

This endless movement of workers from shop to shop, with its inevitable burden of idleness and loss of production, is the individual protest of the unorganized against conditions of employment which they have no power to remedy. Where there is organization of labor and the opportunity for negotiation and agreement, labor turnover is eliminated as a check and drain on industrial life.

Those manifestations of autocratic policy in industry already cited are almost entirely of a purely industrial character. There remain other abuses equally serious, if not more so, finding expression more often through our political machinery. Through reactionary decisions of courts, through the unwarranted and reckless use of the writ of injunction, through laws establishing industrial courts and boards, through compulsory arbitration laws, and through the utter failure of Congress and of state legislative bodies to attempt anything which might serve as a stimulus to labor in these trying times, the welfare of the entire country and, in fact, the stability of many of our democratic institutions are most seriously menaced. These are matters of paramount interest to every American.

INDUSTRIAL COURTS DESTROY FREEDOM

Through the establishment of industrial courts, employers are seeking to inject into American industrial life a device through which they may annul constitutional guarantees and deprive workers of freedom and of the right to function through their organizations. Aside from the denial of guaranteed rights brought about by the establishment of industrial courts, these instruments serve to create in industry a disharmony which inevitably must result in a chaotic industrial condition and consequent loss of production.

The joint relationship between organized workers and employers which exists when these two industrial forces meet in voluntary conference to reach voluntary agreements is a relationship of negotiation; that which exists when industrial

courts are established to determine the conditions in industry is a relationship between litigants—litigants never voluntarily yield a jot. Trade unionism establishes a condition of harmony through mutual effort toward a common purpose, while the industrial court establishes a condition of antagonism, each party in hostile suit against the other and each inevitably hostile toward the court itself when the decision is unfavorable. Industrial courts and the like, created by law, are pernicious devices, the fundamental error of which must become more clear as time passes. The paradox of the situation is that those employers who look upon them as devices for their benefit and who are propagating the idea with the zeal of faddists will, in the long run, suffer equally with labor as a penalty for their short-sightedness.

INJUNCTIONS RESTORE FEUDALISM

The revival of the unrestrained use of the injunction also imperils the stability of our economic structure. For six years the Clayton Act, accepted on all sides as the established law of the land, to an appreciable degree checked the abuse of the writ of injunction. A majority of the justices of the Supreme Court have swept away this strong barrier against a feudalistic legal concept and labor finds itself again at the mercy of an unlimited use of judge-made law. The injunction as it is now used and abused in labor disputes is without sanction either in the constitution or in the fundamental law of the land. It is a pure usurpation of power and authority. The only possible and practical remedy in the face of a power so usurped and so completely unjustified lies in a flat refusal on the part of labor to recognize or abide by the terms of injunctions which seek to prohibit the doing of acts which the workers have a lawful and guaranteed right to do, or which seek to compel workers to do those things which they have a lawful and guaranteed right to refuse to do. This is the only immediate course through which labor can find relief and this course it purposes to pursue. Labor realizes fully the consequences of such a course but in the defense of American freedom and of American institutions it is compelled to adopt this course, be the consequences what they may.

The workers maintain that the constitution of the United

States is a living document, its provisions and guarantees as applicable today as when they were adopted. The workers maintain that in their everyday life and work rights which the Constitution declares to be inalienable should in practice, as well as in theory, be inalienable. Among these rights is the right to liberty—freedom from involuntary servitude or compulsory labor, except as punishment for crime. This guarantee of the thirteenth amendment lives, and the workers are determined that it shall not be denied them. Nor shall this guarantee of their freedom be so distorted as to compel a group slavery in modern industry as reprehensible as was the individual chattel slavery of old. Slavery, compulsory labor, the tying of men to their jobs, will be no more tolerated now than was chattel slavery then. It has no more right to exist and is just as repugnant under our democratic form of government as it would be under a monarchical, bureaucratic or any other form of government.

The Clayton Act was made law by Congress and by the signature of the President for the express purpose of correcting a condition under which cases such as the Danbury Hatters' case were possible. It was made law for the express purpose of instructing judges in the limitation of their powers. Shortly after placing his signature to the Clayton Act with its labor provisions the President of the United States made the following declaration:

"A man's labor is not a commodity but a part of his life. The courts must not treat it as if it were a commodity, but must treat it as if it were part of his life. I am sorry that there were any judges who had to be told that. It is so obvious that it seems to me as if section 6 of the Clayton Act were a return to the primer of human liberty; but if the judges have to have the primer opened before them, I am willing to open it."

TRADE UNIONS DEFEND LIBERTY

The greatest force in American life capable of restraining predatory capital and to that extent capable of maintaining the democratic institutions of the country is the trade union movement. The trade union movement would be false to its trust, false to the ideals of our Republic and false to the great public whose confidence it must have, as well as false to its own members, whose interests it is organized to protect, if it neglected

any proper effort in behalf of the liberty or well-being of the great masses of our people.

To that end this movement of the organized workers sets its face against all forms of compulsion, including such devices as so-called industrial courts, the un-American and repugnant idea of compulsory arbitration and the vicious, tyrannical abuse of the writ of injunction. Through such devices, in addition to the great danger which they constitute to the general public welfare, legislative enactments are set aside so that the organizations of labor may be mulcted, crippled or destroyed. Through such devices voluntary, democratic and constructive organizations of labor are practically outlawed.

LABOR RESISTS REACTION

However great may be the determination of the institutions of reaction to destroy the organizations of labor by these means, the resistance of labor will be uncompromising and unremitting. The organizations of labor must not and will not be destroyed. Trade unions foster education, uproot ignorance, shorten hours, lengthen life, raise wages, increase independence, develop manhood, balk tyranny, reduce prejudice, protect rights, abolish wrongs, and make the world better.

It should be the purpose of government properly to stimulate our industrial processes. It should be the purpose of government to make voluntary negotiation more easily entered into. If, on the other hand, all of the safeguards set up in our constitutional and legal structure for the protection of the workers are to be destroyed by judicial construction, as the vitality of the Clayton Act has been destroyed, then labor demands the immediate and sweeping repeal of all of that body of laws known as anti-combination and conspiracy laws.

Labor is anxious to serve. It has made this declaration repeatedly. It has lived and practiced that determination. It has done this in the face of most wanton and brutal opposition. Government has given little assistance. It has even destroyed the simplest and most obvious beginning of what might have been an effective employment service. Labor repeats it is time for the immediate and comprehensive restoration of this service.

FANATICAL PROPAGANDA AND INTRIGUE

Converging upon labor from the extreme right is autocratic reaction, while from the opposite extreme is the insidious propaganda of radical European fanaticism, which is particularly and peculiarly deadly in its hatred of the American labor movement because of its democratic character and its steadfast refusal to adopt revolutionary destructive policies. It is a curious and startling fact that this propaganda of fanaticism has the sympathy and support of many of those in our country who style themselves as liberals, but who do not distinguish between that which is truly liberal and that which is destructive and fraudulent.

Because of its opposition to the American labor movement, this overseas propaganda has even secured in the United States the support, at times secret, of some of the most reactionary American employers because of a common antagonism to the trade union movement. There is an unscrupulousness and a natural aptitude for intrigue in this fanatical propaganda which makes it a most subtle menace to every democratic ideal and institution in our country.

This propaganda, this constant effort to undermine the constructive organizations of American labor, this constant poisoning of the very foundation of our democracy, finds its expression everywhere and through countless agencies. It is assisted in its work of destruction not only by the publications devoted to a perverted expression of "liberal" thought, but it is assisted as well by many of those who speak from our platforms and who write and edit our periodical publications and our daily newspapers. Much of this assistance is involuntary and unconscious, which testifies to the subtlety of the propaganda and to the need for constant study and alertness on the part of all those who have at heart the preservation of democratic life in America.

LABOR'S PURPOSEFUL DETERMINATION

In face of the situation here set forth, which is still further embittered by the activities of private detectives and agents provocateur paid by many employers, the American trade union movement, speaking through its duly authorized representatives, offers on the one hand constructive practical sugges-

tions for relief and remedy, and on the other hand utters its uncompromising protest against the injustices and the autocratic policies which reaction seeks to impose. It declares in measured and emphatic tones its unalterable determination to resist at every point and with its entire strength the encroachments both of industrial tyranny and fanatical, revolutionary propaganda. The American labor movement is determined at all costs to maintain that freedom and those liberties which constitute American democracy. The labor movement believes this policy to be one embodying the highest stat smanship, as the only policy that can preserve and maintain and develop that harmonious relationship in industry without which our productive processes must be sacrificed to a reign of chaotic disorganization. The labor movement offers those voluntary and conciliatory methods of negotiation, arbitration and agreement through which it is possible to develop in our industrial life the highest degree of good will and the highest degree of productivity, in order that there may be for all of our people the fullest enjoyment of life and the loftiest standards of life.

VOLUNTARY PRINCIPLE IS VITAL

The effort to crush the voluntary organizations of the workers may be designed by employers as an effort to secure their own immediate enrichment, but no such effort can stop at that point. Whether its sponsors will it or not, it is an effort to bring upon our whole national organization of society unprecedented disaster and retrogression. The principle of voluntary agreement is the kernel from which has grown the success of this country as a democracy. If that is destroyed in our industrial life, it can not exist in any other phase of our life, and the social organization that has made America must crumble and disappear. Neither the principle of state dictatorship nor the principle of private autocratic dictation in industry can be permitted to gain a foothold in America, for where either of these comes in freedom and democracy must cease to be.

American trade unionists have long since made their choice of principles. Their movement is founded upon the principles laid down in the foundation stones of the republic. It is now for the American people as a people to make a choice. We are con-

fronted with a supreme crisis. Not even in the days when the nation hovered on the brink of war was the situation more critical. The path of progress and constructive peaceful achievement and evolution is laid down by the trade union movement. The road to autocracy, unfreedom and chaos is laid down by its enemies. The choice is now before the country.

This conference calls for public support and recognition of:

The right of the working people of the United States to organize into trade unions for the protection of their rights and interests.

The right to, and practice of, collective bargaining by trade unions through representatives of their own choosing.

The right to work and to cease work collectively.

The right collectively to bestow or withhold patronage.

The right to the exercise of collective activities in furtherance of the welfare of labor.

This conference proposes and urges public support for:

Enactment by Congress of legislation which shall protect the workers in their organized capacity against the concept that there is a property right in the labor of a human being.

No application of the use of injunctions in industrial disputes where they would not apply in the absence of such disputes.

Prohibition of immigration for a period of not less than two years.

More general application of the initiative and referendum in the political affairs of the United States and of our several states.

Removal by Congress of the usurped power of courts to declare unconstitutional laws enacted by Congress.

Election of judges.

Immediate restoration of exemption from or the repeal of all anti-combination and so-called conspiracy laws.

Restoration of an adequate federal employment service.

Administration of credit as a public trust in the interest of all the people.

Repeal by the states of all industrial court laws and all restrictive and coercive laws, including the so-called open port law of Texas, and freedom from decisions of courts holding trade

unions and individual members thereof liable in damages for the unlawful acts of others.

Enactment by Congress of a law declaring that labor organizations are not co-partnerships and shall not be so treated in law or in equity.

Investigation by Congress of the activities of so-called private detective agencies in the field of industrial relations.

We urge upon the unorganized workers the urgent necessity of joining the unions of their trades and callings, their haven of refuge and protection.

We call upon the workers to resist the efforts to destroy trade unions, whether by the false pretense of the "open shop," the usurped authority of courts through writs of injunction, or otherwise.

We call upon the trade unions for a closer banding together a greater solidarity and unity of purpose.

We call for united support in the protection of standards of wages and conditions already gained and we summon the workers to continued efforts to increase the consuming power, raise the standards and improve the conditions of life and work.

We call upon the workers and all of our people to give their support, their effort and their combined strength of righteous purpose to this appeal for the preservation of the spirit and the letter of that great declaration which was written to guarantee to all Americans "the right to life, liberty and the pursuit of happiness" and freedom from involuntary servitude.

To the above declaration and appeal we, the officers and other representatives of the national and international trade unions of America, assembled in the Executive Council Chamber of the American Federation of Labor, Washington, D. C., February 23, 1921, pledge ourselves and those whom we represent.

SAMUEL GOMPERS, President,
JAMES DUNCAN, First Vice-President,
JOS. F. VALENTINE, Second Vice-President,
WILLIAM GREEN, Fourth Vice-President,
W. D. MAHON, Fifth Vice-President,
T. A. RICKERT, Sixth Vice-President,
JACOB FISCHER, Seventh Vice-President,
MATTHEW WOLL, Eighth Vice-President,
DANIEL J. TOBIN, Treasurer,
FRANK MORRISON, Secretary,
Executive Council, American Federation of Labor.

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Associated Actors and Artists of America.

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International Association of Heat and Frost Insulators and Asbestos Workers.

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Journeymen Barbers' International Union.

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International Alliance of Bill Posters and Billers of America.

M. W. MARTIN,
International Brotherhood of Blacksmiths, Drop Forgers and Helpers.

JOHN J. DOWD, Vice-President,
International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America.

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International Brotherhood of Bookbinders.

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C. L. BAINE, Secretary,
Boot and Shoe Workers' Union.

JOSEPH PROEBSTLE, Financial Secretary,
ALBERT J. KUGLER, Organizer,
International Union of the United Brewery, Flour, Cereal and Soft Drink Workers of America.

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THOS. R. PREECE, Vice-President,
Bricklayers, Masons and Plasterers' International Union of America.

FRANK KASTEN, President,
The United Brick and Clay Workers of America.

JOHN R. McMULLEN,
Bridge and Structural Iron Workers' International Association.

G. W. PERKINS, President,
SAMUEL GOMPERS, Vice-President,
Cigarmakers' International Union of America.

WADE SHURTLEFF,
JOHN J. KELEHER,
Brotherhood of Railway Clerks.

THOS. F. FLAHERTY, Secretary-Treasurer,
National Federation of Postal Clerks.

E. E. BAKER, President,
H. J. CONWAY, Secretary-Treasurer,
Retail Clerks' International Protective Association.

W. S. WARFIELD, President,
Order of Sleeping Car Conductors.

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W. J. WILSON, Vice-President,
Coopers' International Union of North America.

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International Federation of Technical Engineers, Architects and Draftsmen's Unions.

JAMES P. NOONAN, President,
JULIA S. O'CONNOR,
International Brotherhood of Electrical Workers of America.

FRANK FEENEY, President,
International Union of Elevator Constructors.

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WM. H. HYMAN,
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H. M. COMERFORD, Secretary,
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International Fur Workers' Union of the United States and Canada.

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International Ladies' Garment Workers' Union.

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American Flint Glass Workers' Union.

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National Window Glass Workers.

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Granite Cutters' International Association of America.

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United Leather Workers' International Union.

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National Association of Letter Carriers.

ANTHONY J. CHLOPEK,
JOSEPH P. RYAN,
International Longshoremen's Association.

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E. C. DAVISON, Secretary-Treasurer,
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THOS. REDDING, Vice-President,
Amalgamated Sheet Metal Workers' International Alliance.

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JOHN TURNEY,
International Union of Mine, Mill and Smelter Workers.

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PHILIP MURRAY, Vice-President,
United Mine Workers of America.

JOS. A. VALENTINE, President,
JOHN P. FREY,
International Molders' Union of North America.

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A. C. HAYDEN,
American Federation of Musicians.

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Brotherhood of Painters, Decorators and Paperhangers of America.

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JAMES L. GERNON,
Pattern Makers' League of North America.

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Paving Cutters' Union of the United States of America and Canada.

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PETER G. COOK,
Operative Plasterers' International Association of the United States and Canada.

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United Association of Plumbers and Steam Fitters of the United States and Canada.

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GEORGE LEARY, Vice-President,
Metal Polishers' International Union.

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FRANK H. HUTCHINS, First Vice-President,
National Brotherhood of Operative Potters.

PAUL BENNETT, President,
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RUDOLPH HEINL, Secretary,
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JOHN P. BURKE, President,
International Brotherhood of Pulp, Sulphite and Paper Mill Workers of the United States and Canada.

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Quarry Workers' International Union of North America.

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THOS. L. HUGHES, Secretary-Treasurer,
J. M. GILLESPIE,
International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America.

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Order of Railroad Telegraphers.

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FRANK McCOSKY, Vice-President,
United Textile Workers of America.

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International Union of Timber Workers.

A. McANDREW, President,
Tobacco Workers' International Union.

JOHN PRENDER, President,
JOSEPH L. HEFFERN, Vice-President,
The Steel Plate Transferrers' Association of America.

TITO PACELLI, Secretary-Treasurer,
Tunnel and Subway Constructors' International Union.

JOHN McPARLAND, President,
J. W. HAYS, Secretary-Treasurer,
International Typographical Union.

JOHN F. CURLEY, President,
American Wire Weavers' Protective Association.

H. E. WILLS, Assistant Grand Chief,
Brotherhood of Locomotive Engineers.

P. J. McNAMARA, Vice-President,
C. V. McLAUGHLIN, Vice-President,
Brotherhood of Locomotive Firemen and Enginemen.

W. L. McMENNINN, Deputy President,
W. N. DOAK, Vice-President,
Brotherhood of Railroad Trainmen.

WM. J. SPENCER, Secretary-Treasurer,
Building Trades Department, American Federation of Labor.

A. J. BERRES, Secretary-Treasurer,
Metal Trades Department, American Federation of Labor.

JAMES LORD, President,
Mining Department, American Federation of Labor.

JOHN J. MANNING, Secretary-Treasurer,
Union Label Trades Department, American Federation of Labor.